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David M. Goldenberg

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EXAMINER

HARRIS, ALANA M

ART UNIT

PAPER NUMBER

1643

MAIL DATE

DELIVERY MODE

06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID M. GOLDENBERG

Application No. 09/965,796
Technology Center 1600

Mailed: June 22, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 04, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING NPL

The Examiner relied on the NPL document:

Maloney, D.G. et al. "Phase I Critical Trial Using Escalating Single-Dose Infusion of Chimeric Anti-CD20 Monoclonal Antibody (IDEC-C2B8) in Patients with Recurrent B-Cell Lymphoma" Blood, Vol. 84, No. 8 (October 15, 1994). Pp. 2457-2466

in rejecting the claims. A full copy of the above noted NPL document is not of record in the Image File Wrapper (IFW).

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) obtain a copy of the above noted NPL document;
- 2) complete the IFW by having the NPL document scanned into the IFW file;
- 3) provide copies of the NPL obtained to Appellant(s); and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/190,945

EWB/babc

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